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10 Attorneys for Plaintiff,
U.S. SMALL BUSINESS ADMINISTRATION,
11 as Receiver for PROSPERO VENTURES, L.P.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

15 U.S. SMALL BUSINESS
16 ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

17 Plaintiff,

18 v.

19 DONALD K. EMERY,

20 Defendant.

NO. C 07-03741 VRW

Related Cases:

C 07-03732, C 07-03733, C 07-03735,
C 07-03736, C 07-03737, C 07-03738,
C 07-03739, C 07-03740

**STIPULATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE AND [PROPOSED]
ORDER THEREON**

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24 This stipulation is entered into by and between Plaintiff, U.S. SMALL BUSINESS
25 ADMINISTRATION, as Receiver for PROSPERO VENTURES, L.P., and Defendant, DONALD
26 K. EMERY, on the following recitals, terms, and agreements:

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RECITALS

This stipulation is entered into with the following facts taken into consideration:

- A. Plaintiff filed the above-captioned action on July 19, 2007.
 - B. Plaintiff thereafter served the complaint on Defendant on August 13, 2007.
 - C. Defendant filed an answer on October 19, 2007.
 - D. On November 20, 2007, the parties filed a joint case management statement.
 - E. On November 27, 2007, the following nine cases were determined to be related:
 - 1. U.S.S.B.A. v. Jane Sloane - Case No. C 07-03732 VRW;
 - 2. U.S.S.B.A. v. Insenser and Martinez - Case No. C 07-03733 VRW;
 - 3. U.S.S.B.A. v. High Growth - Case No. C 07-03735 VRW;
 - 4. U.S.S.B.A. v. Jarrat Enterprises - Case No. C 07-03736 VRW;
 - 5. U.S.S.B.A. v. John Murphy - Case No. C 07-03737 VRW;
 - 6. U.S.S.B.A. v. Rainbow Enterprises - Case No. C 07-03738 VRW;
 - 7. U.S.S.B.A. v. John Sloane - Case No. C 07-03739 VRW;
 - 8. U.S.S.B.A. v. Luzon - Case No. C 07-03740 VRW; and
 - 9. U.S.S.B.A. v. Donald K. Emery - Case No. C 07-03741 VRW;
 - F. Defendant and the five following Defendants are represented by the same law firm:
 - 1. Jane Sloane - Case No. C 07-03732 VRW;
 - 2. Jarrat Enterprises - Case No. C 07-03736 VRW;
 - 3. John Murphy - Case No. C 07-03737 VRW;
 - 4. John Sloane - Case No. C 07-03739 VRW; and,
 - 5. Rainbow Enterprises - Case No. C 07-03738 VRW
 - G. Plaintiff and the six aforementioned Defendants have agreed to participate in the mediation program with the assistance of James Barber, having reserved February 26, 2008, February 27, 2008, for this purpose.
 - H. Defaults have been entered against the following three Defendants: Insenser and Martinez (Case No. C 07-03733 VRW), High Growth (Case No. C 07-03735 VRW), and Luzon (Case No. C 07-03740 VRW). Accordingly, the aforementioned three Defendants have not been

1 asked to consent to this continuance nor will the defaulted parties be prejudiced by the continuance.

2 I. On today's date, the parties will be submitting a joint application seeking
 3 permission from this Court to complete mediation beyond the Court's deadline of February 2, 2008.

4 J.. In order to promote judicial economy, the parties herein jointly request a
 5 continuance of the Case Management Conference until February 28, 2008, at 3:30 p.m. in order to
 6 complete the mediation process prior to the case management conference.

7 STIPULATION

8 With the above facts taken into consideration, the adequacy and sufficiency of which are
 9 hereby acknowledged, the parties do hereby stipulate and agree as follows:

10 1. The case management conference shall be continued to February 28, 2008 at 3:30
 11 p.m.

12 2. This stipulation may be executed in counterparts and a facsimile and/or electronic
 13 signature shall be considered as valid as an original.

15 Dated: January 3, 2008

COLEMAN & HOROWITT, LLP

17 By: /s/ Darryl J. Horowitz

18 DARRYL J. HOROWITT
 Attorneys for Plaintiff

19 Dated: January 3, 2008

20 DONOGHUE, BARRETT & SINGAL, P.C.

21 By: /s/ Damien C. Powell
 22 Bruce A. Singal
 Damien C. Powell
 Appearance *Pro Hac Vice*
 23 Attorneys for Defendant,

24 O'CONNOR & ASSOCIATES
 25 John O'Connor
 Attorney for Defendant,

*U.S. Small Business Administration,
as Receiver for Prospero Ventures, L.P.
v. Donald K. Emery
Case No. C 07-03741 VRW*

ORDER

The parties having so stipulated, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. The case management conference shall be continued to February 28, 2008 at 3:30

Dated:

HONORABLE VAUGHN R. WALKER
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PROOF OF SERVICE

I am a citizen of the United States of America and a resident of the State of California. I am over the age of eighteen (18) years. My business address is Coleman & Horowitz, LLP, 499 W. Shaw Avenue, Suite 116, Fresno, CA 93704.

On January 3, 2008, I served the foregoing document(s) described as **STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND [PROPOSED] ORDER THEREON** on the interested parties as listed below:

Via Electronic Mail by Filing Electronically With the Northern District Court of California:

Bruce A. Singal
Damien C. Powell
DONOGHUE, BARRETT & SINGAL, P.C.
One Beacon Street
Boston, MA 02108

John O'Connor
O'CONNOR & ASSOCIATES
One Embarcadero Center, Suite 1020
San Francisco, CA 94111

Attorneys for Defendant

Via Overnight Mail:

Hon. Vaughn R. Walker
U.S. District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 3, 2008, in Fresno, California.



Lisa R. Barr